



## *Report to the Auburn City Council*

Action Item

3

Agenda Item No.

City Manager Approval

To: Mayor and City Council Members  
From: Bernie Schroder, Director of Public Works  
By: Carie Huff, Associate Civil Engineer  
Date: January 10, 2011  
Subject: Placer County Water Agency Non-Exclusive Easement at 2301 Lindbergh Street

### The Issue

Shall the City Council authorize the Public Works Director to execute easement documents with Placer County Water Agency (PCWA) for water facilities at 2301 Lindbergh Street (the Airport Industrial Park)?

### Conclusion and Recommendation

Staff recommends that the City Council, BY RESOLUTION, authorize the Director of Public Works to execute easement documents with Placer County Water Agency (PCWA) for water facilities constructed at 2301 Lindbergh Street (the Airport Industrial Park).

### Background

PCWA required a backflow device be constructed for the existing fire hydrant on the west side of the main Earhart driveway as part of the improvements for Abbey Company (formerly the Coherent site). Since the backflow device is located on City of Auburn property, PCWA is requiring a non-exclusive easement for the water facilities.

### Alternatives Available to Council; Implications of Alternatives

1. Adopt staff recommendations.
2. Do not adopt recommendations.

### Fiscal Impact

There is no fiscal impact.

### Attachments

Resolution  
Vicinity Map  
PCWA Easement Documents

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RESOLUTION NO. 11-  
RESOLUTION AUTHORIZING THE EXECUTION OF EASEMENT DOCUMENTS  
WITH PLACER COUNTY WATER AGENCY FOR WATER FACILITIES AT 2301  
LINDBERGH STREET

-----

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

That the City Council of the City of Auburn does hereby authorize the  
Public Works Director to execute easement documents with Placer County  
Water Agency (PCWA) for water facilities constructed at 2301 Lindbergh Street  
(the Airport Industrial Park).

A true and correct copy of said easement documents is attached hereto as  
Exhibit "A."

DATED: January 10, 2011

\_\_\_\_\_  
William W. Kirby, M.D., Mayor

ATTEST:

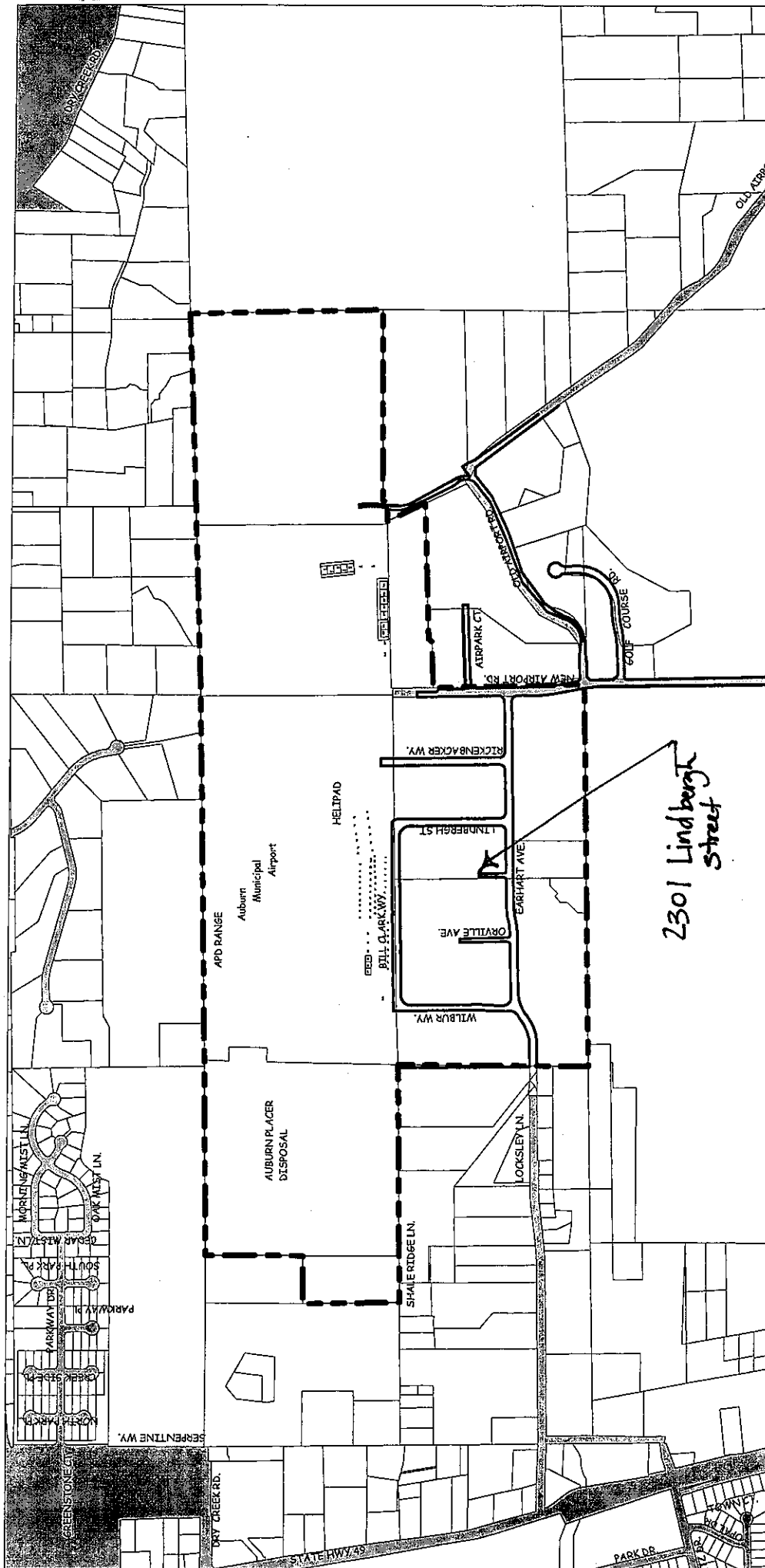
\_\_\_\_\_  
Joseph G. R. Labrie, Secretary

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify  
that the foregoing resolution was duly passed at a regular session meeting of  
the City Council of the City of Auburn held on the 10<sup>th</sup> day of January 2011 by  
the following vote on roll call:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Joseph G. R. Labrie, City Clerk

# City of Auburn



RECORDING REQUEST BY

Placer County Water Agency  
No fee required, pursuant to Gov't Code § 27383.

AND WHEN RECORDED MAIL TO

Placer County Water Agency  
P.O. Box 6570  
Auburn, CA 95604

---

T.13 N., R.8 E. SEC.28, NE ¼  
A.P. No: 052-010-024  
Project: FA 2483, Auburn Business Park, 2301 Lindbergh St.  
Map No.: 33-B-11

**GRANT OF EASEMENT**

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
**CITY OF AUBURN, A MUNICIPAL CORPORATION AND POLITICAL SUBDIVISION**  
hereinafter called "GRANTOR") hereby grants to the Placer County Water Agency, a public body,  
(hereinafter called "AGENCY") a non exclusive permanent easement in, on, over, under, and across  
that certain real property in the County of Placer, State of California, described in Exhibit "A"  
attached hereto and incorporated herein by reference, and depicted on Exhibit "B", the map attached  
hereto showing the boundaries of the easement. In the event of any conflict between the description  
of the easement in Exhibit "A" and its depiction on Exhibit "B", the description in Exhibit "A"  
controls.

The easement granted herein is a right-of-way for ingress and egress to construct, reconstruct,  
enlarge, maintain, repair, replace and operate any size water pipeline or pipelines, conduits and  
appurtenant facilities, including but not limited to metering devices, gate valves  
electrical/electronic equipment including poles, antenna, solar panels and electrical cabinets and  
devices for controlling electrolysis, necessary to convey and/or meter water. GRANTOR further  
grants to the AGENCY:

- (a) the right to ingress and egress from the easement area over and across GRANTOR'S  
remaining lands as described in that Tract of Land recorded by Deed in Book 496, at  
Page 279, Official Records of Placer County, by means of roads and lanes thereon, if  
such there be, otherwise by such route or routes as shall cause the least practical  
damage and inconvenience to GRANTOR; provided further, that if any portion of  
such land is or shall be subdivided and dedicated roads or highways on such portion  
shall extend to the easement area, this right of ingress and egress on GRANTOR'S  
remaining land shall be confined to such dedicated roads and highways;

- (b) the right from time to time to trim and to cut down and clear away any and all trees, stumps, and brush now or hereafter in the easement area and to trim and cut down and clear away portions of any trees extending onto or over the easement area which may interfere with the exercise of the AGENCY'S rights hereunder; provided, however, that all trees which the AGENCY is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of GRANTOR, but all tops, lops, brush, stumps, and refuse wood shall be burned, chipped, or removed at the discretion of the AGENCY;
- (c) the right to mark the location of pipelines and other underground facilities in the easement area by suitable markers set in the ground; and
- (d) the right to line, seal, patch, or replace pipelines, conduits and other facilities, installed in the easement area.

#### ENCROACHMENT BY GRANTOR

Subject to application for and receipt of an encroachment permit from the AGENCY, GRANTOR reserves the right to use the easement area for purposes which will not interfere with the AGENCY'S full enjoyment of the rights herein granted; provided, that GRANTOR shall not erect or construct any building or other structure in the easement area or cut and/or fill over any AGENCY pipeline, or appurtenant facilities in the easement area or drill or operate any well, or drill any holes for fence posts or other structures, or construct any reservoir or other obstruction in the easement area, or diminish or substantially add to the ground cover over the easement area. Provided however that the GRANTOR may construct fences across the easement area. In that event GRANTOR shall provide for gate access by AGENCY personnel and equipment.

#### ASSIGNMENT

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

SIGNATORY PAGE – GRANT OF EASEMENT  
CITY OF AUBURN

By: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Print name/title

(Signature (s) must be acknowledged by a Notary Public)  
(Document must be Accepted and Recorded by the Agency)

## EXHIBIT "A"

### LEGAL DESCRIPTION PCWA NON-EXCLUSIVE PERMANENT EASEMENT

Being a portion of the east one half of the northeast quarter of Section 28, T. 13 N., R. 8 E., M.D.B. & M., and also being a portion of that Tract of Land recorded by Deed in Book 496, at Page 279, Official Records of Placer County, and also being a portion of the Auburn Airport as shown on that certain Record of Survey No. 1847, and recorded in Book 14 of Surveys, at Page 66, Official Records of Placer County, more particularly described as follows:

Beginning at a point on the South line of the above described Record of Survey No. 1847, Glenborough (Coherent) 4.00+/- Acre Parcel, from which the point of intersection of Lindbergh Street and Earhart Avenue bear the following two (2) courses: 1) South  $00^{\circ} 19' 26''$  East for a distance of 30.00 feet to the centerline of Earhart Avenue; 2) along said centerline, North  $89^{\circ} 40' 34''$  East for a distance of 342.76 feet to said intersection. Thence from the point of beginning, the following four (4) courses: 1) leaving said South line, North  $00^{\circ} 15' 46''$  West for a distance of 30.35 feet; 2) South  $89^{\circ} 40' 34''$  West for a distance of 28.59 feet; 3) South  $00^{\circ} 15' 46''$  East for a distance of 30.35 feet to a point on said South line; 4) along said South line, North  $89^{\circ} 40' 34''$  East for a distance of 28.59 feet to the point of beginning.

APN: 052-010-024  
Contains 868 sq. ft.



APN: 052-010-024  
 GLENBOROUGH  
 (COHERENT)  
 4.00± ACRES

APN: 052-010-007  
 COHERENT  
 6.02± ACRES

N00°15'46"W  
 484.67'

S89°40'34"W  
 28.59'

N00°15'46"W  
 30.35'

S00°15'46"E  
 30.35'

POINT OF  
 BEGINNING

N89°40'34"E  
 324.94'

S00°19'26"E  
 30.00'

EASEMENT  
 AREA

14/SURVEYS/66

N89°40'34"E  
 28.59'

N89°40'34"E  
 342.76'

EARHART AVENUE

RAILROAD SPIKE  
 WITH PUNCH MARK

LINDBERGH STREET

N00°14'39"W  
 791.55'

SCALE:  
 1"=30'



EXHIBIT "B"

**PCWA NON-EXCLUSIVE PERMANENT EASEMENT**

BEING A PORTION OF THE TRACT OF LAND RECORDED BY DEED IN BOOK 496, PAGE 279, ORPC., AND ALSO BEING A PORTION OF THE AUBURN AIRPORT AS SHOWN ON THAT CERTAIN RECORD OF SURVEY NO. 1847, AND RECORDED IN BOOK 14 OF SURVEYS, PAGE 66, ORPC, ALSO BEING A PORTION OF THE EAST 1/2 OF THE NE 1/4 OF SECTION 28, T. 13 N., R. 8 E., M.D.M.

**ATTEBERRY & ASSOCIATES**  
 500 AUBURN-FOLSOM ROAD STE. 110  
 AUBURN, CA 95603 (530) 888-1288

12-02-2010

PCWA

-----  
Parcel name: pcwa

	North: 5057.38	East : 5837.93
Line	Course: N 00-15-46 W	Length: 30.35
	North: 5087.73	East : 5837.79
Line	Course: S 89-40-34 W	Length: 28.59
	North: 5087.57	East : 5809.20
Line	Course: S 00-15-46 E	Length: 30.35
	North: 5057.22	East : 5809.34
Line	Course: N 89-40-34 E	Length: 28.59
	North: 5057.38	East : 5837.93

Perimeter: 117.87    Area: 868 Sq Ft 0.02 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.00

Course: S 90-00-00 E

Error North: 0.000

East : 0.000

Precision 1: 117,880,000.00